

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VICTOR BEAM,

Plaintiff,

v.

1:09-cv-0628

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

OFFICE OF PETER MARGOLIUS
7 Howard Street
Catskill, New York 12414
Counsel for Plaintiff

PETER MARGOLIUS, ESQ.

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 18th day of September 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. This action is dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, based upon the plaintiff's failure to prosecute and to comply with this court's orders

and Local Rules of practice.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: October 5, 2009
Syracuse, New York

A handwritten signature in black ink, appearing to read "Norman A. Mordue". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Norman A. Mordue
Chief United States District Court Judge

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